

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

SENORA SMITH

PLAINTIFF

vs.

Civil Action No. 3:18-CV-142-CWR-LRA

**WHATABURGER RESTAURANTS, LLC,
D/B/A WHATABURGER #864;
TASHA OWENS, INDIVIDUALLY;
AND JOHN DOES 1-3**

DEFENDANTS

**DEFENDANTS' MOTION FOR PERMISSION TO FILE SURREBUTTAL TO
PLAINTIFF'S REPLY TO DEFENDANTS' RESPONSE TO MOTION TO REMAND**

COME NOW, Whataburger Restaurants, LLC ("Whataburger") and Tasha Owens ("Owens") (collectively, "Defendants") by and through counsel, and move for permission to file a Surrebuttal to Plaintiff's Reply to Defendants' Response to Motion to Remand for the purpose of addressing new issues raised by the Plaintiff that were not originally made at issue in Plaintiff's Motion to Remand. Those issues relate to Plaintiff's second affidavit attached as an exhibit to Plaintiff's Reply which contains new and contradictory statements on the issue of whether Ms. Owens was on duty or present at the premises at the time of the subject incident.

WHEREFORE, for the reasons stated herein, Defendants respectfully request permission to file the Surrebuttal attached hereto as Exhibit "A."

This, the 10th day of May, 2018.

Respectfully submitted,

**WHATABURGER RESTAURANTS, LLC and
TASHA OWENS**

By: s/ Clint D. Vanderver

Thomas M. Louis (MSB # 9028)
Clint D. Vanderver (MSB # 101997)
Their Attorneys

OF COUNSEL:

WELLS MARBLE & HURST, PLLC
300 Concourse Boulevard, Suite 200
Ridgeland, Mississippi 39157
Post Office Box 131
Jackson, Mississippi 39205-0131
Telephone: (601) 605-6900
Facsimile: (601) 605-6901
tlouis@wellsmar.com
cvanderver@wellsmar.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

J. Ashley Ogden
Tyler A. Royals
Ogden & Associates, PLLC
500 East Capitol Street, Suite 3
Jackson, Mississippi 39201

ATTORNEYS FOR PLAINTIFF

This, the 10th day of May, 2018.

s/ Clint D. Vanderver
Clint D. Vanderver